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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 2881/2018**

MS. X

..... Petitioner

Represented by: Mr.Shehzad Alam and Ms.Mariya
Mumtaz Hashmi, Advocates

versus

THE STATE (NCT OF DELHI) & ANR.

..... Respondents

Represented by: Ms.Nandita Rao, ASC for the State

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

% **24.09.2018**

CrI.M.A.No.32762/2018

Allowed subject to just exceptions.

W.P.(Crl.) No.2881/2018 & CrI.M.A.No.32761/2018

1. The prayers in the present petition are as under:-

“a) to issue a writ or direction or order in the nature of mandamus or any other writ, direction or order to set-aside, hold and declare the impugned order dated 20.07.2018 and 24.08.2018 being unlawful, illegal, unjustified, improper, misconceived passed against the natural justice, equity, good conscience and being null and void passed by the court of Ld.ASJ, POCSO (Special Court) Patiala house courts in case FIR No.0008/2018 u/s 376/313/506 IPC and 4 & 6 POCSO Act at P.S. R.K.Puram New Delhi, in the interest of justice.

b) to issue a writ or direction or order in the nature of mandamus or any other writ, direction for vacating the stay of the interim protection given to the accused and directing the respondents No.1 and 2 to arrest the accused immediately as the accused extending the threats to the petitioner/prosecutrix.

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c) to issue a writ or direction or order in the nature of mandamus or any other writ, direction or order directing respondents No.2 to appoint the proper investigating officer in the above case and further directing to the respondent No.2 to carry out the investigation properly as per law laid down by the authorities.

d) To issue a writ or direction or order in the nature of mandamus or any other writ, direction to the respondent No.2 to transfer the case to the proper investigating agency; and

e) Any other appropriate relief which this Hon'ble Court may deem fit and proper be also granted."

2. From the prayers, it is thus evident that the grievance of the petitioner is against the grant of interim protection to the accused by the learned Additional Sessions Judge. Challenging the grant of interim protection to the accused, petitioner has already filed Crl.M.C.No.4585/2018 seeking cancellation of the said interim protection. Thus, the present petition seeking the same relief i.e. declaring the impugned orders dated 20th July, 21018 and 24th August, 2018 being unlawful, misconceived or vacating the interim protection or appoint proper investigating officer and not disclosing in the present petition that an earlier petition seeking cancellation of bail being Crl.M.C.No.4585/2018 has already been filed amounts to abuse of the process of this Court.

3. The present writ petition is thus dismissed with a cost of ₹10,000/- to be paid by the petitioner to the Delhi High Court Legal Services Committee within four weeks.

MUKTA GUPTA, J.

SEPTEMBER 24, 2018/mamta
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